

### REMARKS

This amendment is responsive to the Office Action dated May 27, 2009, and received in this application. Claim 40 has been amended. *No new matter has been added.* Support for this amendment may be found variously throughout the Specification, including, but not limited to paragraphs [0115] to [0117] of the Specification. Claims 12 and 20-40 remain pending in the application. Reconsideration and allowance of the pending claims is respectfully requested.

Claim 40 has been rejected under 35 U.S.C. § 112, ¶2, as being indefinite for failing to particularly point out and distinctly claim what Applicant regards as the invention. Applicants express appreciation for the Examiner's attention in this matter. Claim 40 has been amended so as to overcome this rejection. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 12 and 20-40 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,689,458 to Mikoshiba '458 et al ("Mikoshiba '458") and U.S. Patent No. 6,411,344 to Fujii et al ("Fujii") in view of U.S. Patent No. 6,025,958 to Yamaoka et al ("Yamaoka"). This rejection is respectfully traversed.

Independent claim 12 recites: *[a] transparent conductive laminate comprising:*

*a film made of a polymer with a photoelastic constant of no greater than  $70 \times 10^{-12} \text{Pa}^{-1}$  (polymer film A),*

*a light-scattering layer with a haze value in the range of 0.2-1.4% formed directly on one side thereof, and*

*a transparent conductive layer formed on the other side thereof,*

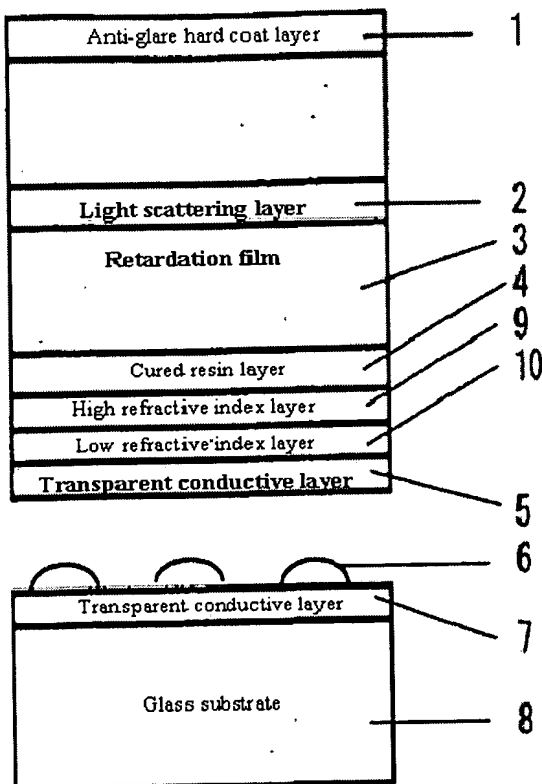
*wherein the laminate exhibits a  $\lambda/4$  retardation,*

*wherein an optical interference layer comprising a high refractive index layer and a low refractive index layer is formed between said polymer film A and said transparent conductive layer so that said transparent conductive layer is in contact with the low refractive index layer side, and the high refractive index layer and low refractive index layer are both made of crosslinked polymers.*

The combined references, Mikoshiba '458, Fujii, and Yamaoka, either alone or in any permissible combination, fail to disclose or suggest these features.

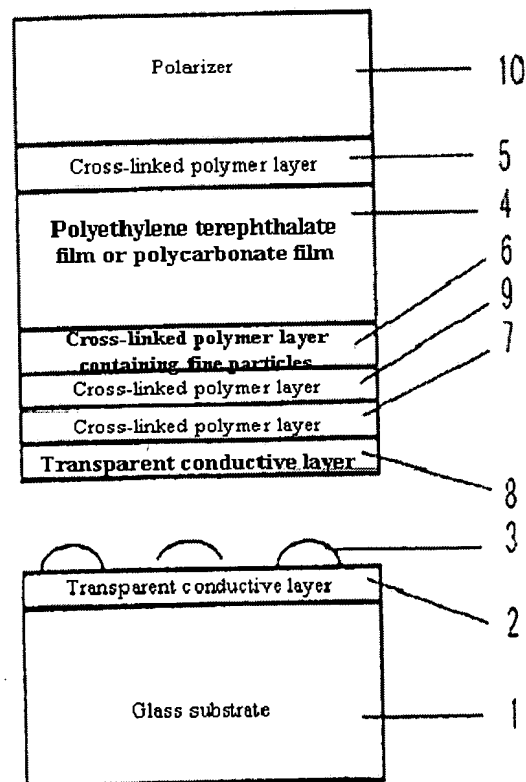
Mikoshiba '458 discloses a transparent conductive laminate including a polarizer 10, a cross-linked polymer layer 5, a polycarbonate film 4, a cross-linked polymer layer containing fine particles 6, and a transparent conductive layer 8. (Mikoshiba '458, col. 5, lines 25-37; FIG. 2.) However, as shown in Mikoshiba '458 FIG. 2 shown below-right (reference characters labeled from the Mikoshiba '458 Specification), Mikoshiba '458 discloses a cross-linked polymer layer containing fine particles 6 on the same side of the polycarbonate film 4 as the transparent conductive layer 8.

Fig. 2



APPLICANT

FIG. 2



MIKOSHIBA

Applicants' FIG. 2, reproduced above-left (reference characters labeled from specification), is shown in contrast with Mikoshiba '458 FIG. 2. Applicants' FIG. 2 in no way is intended to limit the scope of claim 12, but is only given to aid in understating the structural relationships between the various layers recited in claim 12.

It is clear, when contrasting that which is disclosed by Mikoshiba '458 and that which is recited in claim 12, that Mikoshiba '458 clearly **fails** to disclose:

*"a film made of a polymer...,*

*a light-scattering layer with a haze value in the range of 0.2-1.4% formed directly on one side thereof, and*

*a transparent conductive layer formed on the other side thereof[.]"*

This difference in structure is significant and should not be disregarded. As disclosed in Applicants' Specification:

[I]t has been found that lack of a protective layer on a side opposite to the transparent conductive layer-formed side of the retardation film can sometimes create problems during actual manufacturing, such as scratching of the retardation film during the process of forming the transparent conductive layer or the processes of making up the touch panel, or can lead to insufficient reliability of adhesion when the retardation film is attached to the polarizing plate. (Specification, para. [0006].)

Applicants' Specification further discloses:

The light-scattering layer has the function of scattering light, but it may also sometimes function to enhance the cohesion between the polymer film A and the polymer film B or the polymer film A and the polarizing plate, or to act as a layer with the function of preventing scratches of the polymer film A during manufacturing process of the transparent conductive laminate. (Specification, para. [0088].)

Yamaoka is relied upon in the Office Action, but Yamaoka fails to remedy the deficiencies of Mikoshiba '458. Yamaoka discloses a laminated wavelength plate having "a plurality of oriented films of oriented films giving a retardation having a wavelength half that of monochromatic light laminated with their optical axes crossing each other, wherein the dependence of the birefringence differences  $\Delta n_1$  and  $\Delta n_2$  of the oriented films on wavelength each satisfy the relationship  $\Delta n_1 / \Delta n_2$

<1.05 based on light having wavelength of 400 nm ( $\Delta n_1$ ) and 550 nm ( $\Delta n_2$ ).” (Yamaoka, col. 3, lines 11-18.)

However, Yamaoka, like Mikoshiba ‘458, **fails** to disclose:

*“a film made of a polymer...,*

*a light-scattering layer with a haze value in the range of 0.2-1.4% formed directly on one side thereof and*

*a transparent conductive layer formed on the other side thereof[.]”*

Finally the Office Action relies upon Fujii. However, Fujii **fails** to remedy the deficiencies of Mikoshiba ‘458 and Yamaoka. Fujii discloses a transparent touch panel having a pair of transparent conductive substrates and a retardation film. (Fujii, col. 2, lines 28-47.)

Further, Fujii discloses a polycarbonate film with an epoxy acrylic coating solution having particle fillers coated on one side. (Fujii, col. 11, lines 14-21; FIG. 5.) After the epoxy film is cured to form a hard coat layer, a conductive ITO film is formed on the hard coat layer by a sputtering method “so as to prepare a retardation film having a transparent conductive layer.” Fujii, discloses that the laminate consisting of the retardation film 12, the hard coat layer, and the transparent conductive ITO film 16 has a haze value of 0.8%.

As shown in Fujii FIG. 5, reproduced below-right (reference characters labeled from specification), Fujii discloses a hard coat layer of a cured resin containing particles on the same side of the retardation film 12 as and the transparent conductive layer 16.

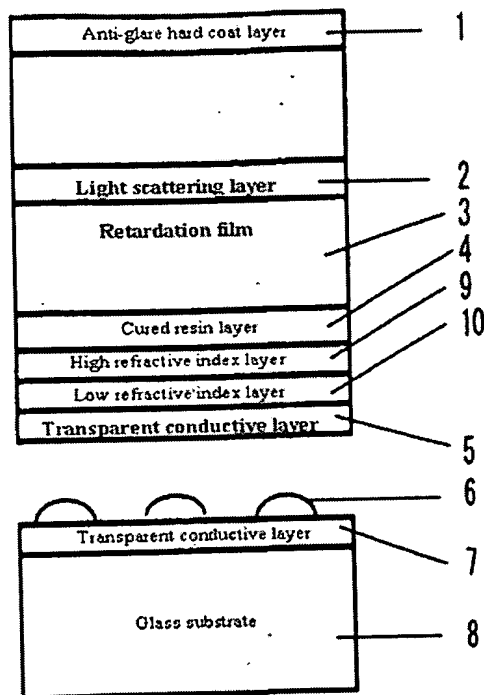
Below-left, Applicants’ FIG. 2 (reference characters labeled from specification) is contrasted with Fujii FIG. 5. Again, Applicants’ FIG. 2 in no way is intended to limit the scope of claim 12, but is only given to aid in understating the structural relationships between the various layers recited in claim 12. It is clear, when contrasting that which is disclosed by Fujii with that which is recited in claim 12, Fujii clearly fails to disclose:

*“a film made of a polymer...,*

*a light-scattering layer with a haze value in the range of 0.2-1.4% formed directly on one side thereof, and*

*a transparent conductive layer formed on the other side thereof[.]”*

Fig. 2



APPLICANT

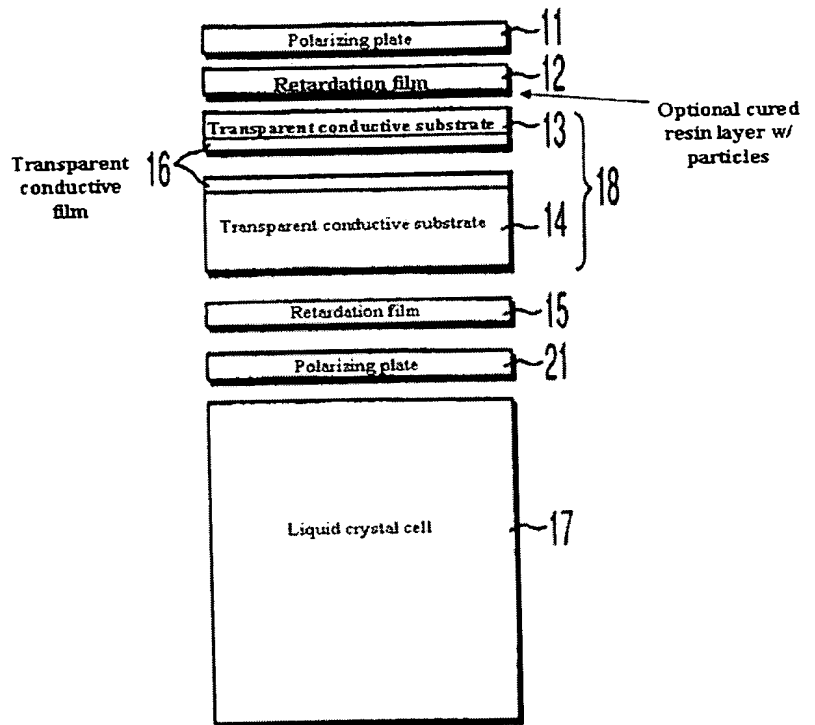


FIG. 5

FUJII

Because even the combination of Mikoshiba '458, Yamaoka, and Fujii would still **fail** to yield the claimed invention, a *prima facie* case of obviousness has not been presented regarding claim 12. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.); *see also* MPEP 2143.03.

Further, in failing to consider the structural relationships of the films of the laminate of claim 12, the Office Action fails to consider the laminate recited in Applicants' claim 12 as a whole

and disregards express features, namely that the light-scattering layer and the transparent conductive layer be on opposite sides of the film made of the polymer film.

The Final Office Action shows that this feature has been overlooked. On p. 19, ll. 3 – 10, the Office Action states:

The obvious replacement of the transparent polymer substrate (5) recited by Mikoshiba [‘458] with a polycarbonate film comprising a  $\lambda/4$  plate to form a circular polarizing wave plate comprising the  $\lambda/4$  plate made from a polymer with a photoelasticity within the range of  $5 \times 10^{-12} \text{ Pa}^{-1} - 65 \times 10^{-12} \text{ Pa}^{-1}$  as recited by Fujii, a fine particle containing cross-linked polymer (5) layer modified for optimum haze to prevent interference fringes and glare, a cured resin layer (6), a low (7) and high (9) refractive index optical interference layer, and a polarizing plate (10) would have produced the same invention as claimed in claims 12, 20-25, 30, 32-35.

However, the replacement of the transparent polymer substrate (5) recited by Mikoshiba ‘458 with a polycarbonate film comprising a “ $\lambda/4$  plate to form a circular polarizing wave plate comprising the  $\lambda/4$  plate made from a polymer with a photoelasticity within the range of  $5 \times 10^{-12} \text{ Pa}^{-1} - 65 \times 10^{-12} \text{ Pa}^{-1}$  as recited by Fujii” would fail to produce the same invention as claimed in claims 12, 20-25, 30, and 32-35, because such a substitution would produce a laminate having a fine particles containing layer on the same side of the retardation film as the transparent conductive layer.

On page 4, l. 22 – p. 5, line 3, the Office Action again shows a misunderstanding of the significance of the order of the films of the claimed laminate. The Office Action admits, “Mikoshiba is silent regarding the disposition of... a light scattering layer with a haze value in the range of 0.2-1.4% between the transparent conductive layer and the polarizer.” However, claim 12 does not recite “a light scattering layer... between a transparent conductive layer and the polarizer[.]” but “*a film made of a polymer..., a light-scattering layer with a haze value in the range of 0.2-1.4% formed directly on one side thereof, and a transparent conductive layer formed on the other side thereof[.]*” Accordingly, it is not apparent why a discussion of “a light scattering layer... between a transparent conductive layer and the polarizer” is germane to the claims recited.

Because the combined references, Mikoshiba ‘458, Fujii, and Yamaoka, either alone or in any permissible combination, fail to disclose or suggest the features of claim 12, a *prima facie* case of obviousness has not been presented regarding claim 12.

For reasons similar to those provided regarding claim 12, independent claim 20 is similarly not disclosed or suggested by the relied-upon references. Dependent claims 21-40 are distinct for their incorporation of these features as well as for their separately recited patentably distinct features.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 12 and 20-40 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Mikoshiba '458, Yamaoka, and Fujii.

### CONCLUSION

This response is believed to be a complete response to the Office Action. However, Applicants reserve the right to set forth further arguments supporting the patentability of the claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully requests that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. TEI-0132 from which the undersigned is authorized to draw.

Dated: July 30, 2009

Respectfully submitted,

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